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| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Anderson et al. | | | Docket No. BUR920040039US1 | |
| Application No. 10/709,998 | Filing Date 6/11/2004 | Examiner Tran, Long K. | Group Art Unit 2818 | |
| Invention: BACK GATE FINFET SRAM | | | RECEIVED CENTRAL FAX CENTER OCT 04 2005 | |
| <p>I hereby certify that this <u>Restriction Election (2 pages)</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>10/4/2005</u> (Date)</p> <p style="text-align: right;"><u>Kim Dwileski</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p> | | | | |

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DOCKET NO.: BUR920040039US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Anderson *et al.*

Examiner: Tran, Long K.

Serial No.: 10/709,998

Art Unit: 2818

Filed: 6/11/2004

For: **BACK GATE FINFET SRAM**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION

In response to the Restriction Requirement dated July 13, 2005, Applicants hereby provisionally elect Group I, claims 1-8, drawn to a semiconductor device, classified in Class 257, subclass 401. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 9-20, drawn to process of making a semiconductor device.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-20 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits." Applicants respectfully submit that this policy

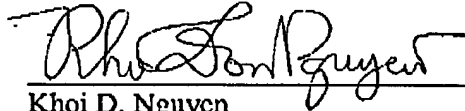
10/709,998

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should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the merits. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: October 4, 2005


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